

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MURVILLE LAMPKIN,

Defendant.

Case No. 3:15-cr-00005-05-SLG

**ORDER REQUESTING RESPONSE**

Before the Court at Docket 1108 is Defendant Lampkin's Motion for Reconsideration. The Court requests a response from the government to the motion, to be filed within 14 days of the date of this order.

The Court is considering further reducing Mr. Lampkin's sentence based on potentially making a finding that the Attorney General's recently-issued guidance regarding the filing of 851 notices constitutes an extraordinary and compelling reason for a further sentence reduction.<sup>1</sup> When the timing of the 851 notice against Mr. Lampkin is compared to the dates of the change of plea hearings of the other defendants in this case, together with the timing of the First Superseding Indictment adding the money laundering charge as to Mr. Lampkin, it appears that the Section 851 enhancement was filed "simply to exert leverage to induce a plea

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<sup>1</sup> The Court denied a motion to strike the Section 851 enhancement pretrial at Docket 691, finding it passed constitutional and statutory muster.

or because the defendant elected to exercise the right to trial.”<sup>2</sup> Further, the government may address whether the Section 3553 factors, and particularly the need to avoid unwarranted sentencing disparities with equally or more culpable codefendants in this case, warrants a further reduction in Mr. Lampkin’s sentence.<sup>3</sup>

DATED this 10th day of July, 2023.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> See Docket 1108 at 2 (Excerpt from General Policies Memorandum).

<sup>3</sup> See *also* United States Sentencing Commission, Application and Impact of Section 851 Enhancements (2018) (noting that 851 enhancements are rare throughout the nation, but impact Black offenders most significantly).